

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAYNE MORRIS,

Defendant.

4:20-CR-3119

ORDER

This matter is before the Court on the defendant's "Motion for Leave to File Objections and Request to Extension Deadlines" ([filing 20](#)). The Court will grant that motion. The Court notes that the defendant has also filed an objection to the presentence investigation report ([filing 21](#)). That objection is premature and will be overruled without prejudice to reassertion.

Paragraph 3 of the Court's Order on Sentencing Schedule ([filing 11](#)) provides that the probation office will deliver the initial presentence report to counsel (and through defense counsel, to the defendant) before submitting it to the Court. Paragraph 4 of the sentencing schedule contemplates that counsel may then object to the probation office, so that the parties and the probation office have an opportunity to correct any errors of law or fact in the initial presentence report before it is submitted to the Court. Obviously, counsel and the probation office will not always agree, and the probation office may submit the initial or revised presentence report to the Court, pursuant to paragraph 5 of the sentencing schedule, without making any or all of the changes requested by counsel. At that point, it is appropriate for counsel to assert an objection, pursuant to paragraph 6(c) of the sentencing schedule, raising any unresolved issues with the Court.

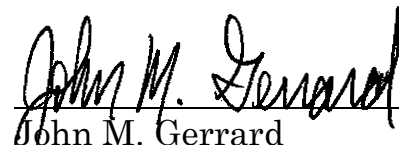
The objection filed in this case has not been reviewed by the probation office. The Court assumes that the defendant's objection has also been received by the probation office, so that the probation office may address it in the final presentence report submitted to the Court. Any issues that are not resolved to counsel's satisfaction may then be reasserted in a motion or objection filed on or before the date provided below.

IT IS ORDERED:

1. The defendant's "Motion for Leave to File Objections and Request to Extension Deadlines" ([filing 20](#)) is granted.
2. The defendant's objection to the presentence investigation report ([filing 21](#)) is overruled without prejudice to reassertion.
3. The probation office shall submit the revised presentence report to the Court and counsel on or before March 1, 2021.
4. The proposals to the probation office and motions to the Court set forth in Paragraph 6 of the Court's Order on Sentencing Schedule ([filing 11](#)) shall be filed on or before March 8, 2021.
5. The Court's tentative sentencing findings shall be filed on or before March 16, 2021.
6. Sentencing shall remain set for March 26, 2021.

Dated this 19th day of February, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge